

of such Committee, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding \$100 per diem, including travel-time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized in section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2) for persons in the Government service employed intermittently. Payments under this section shall not render members of the Committee employees or officials of the United States for any purpose.

(b) The National Highway Safety Advisory Committee shall advise, consult with, and make recommendations to, the Secretary on matters relating to the activities and functions of the Department in the field of highway safety. The Committee is authorized (1) to review research projects or programs submitted to or recommended by it in the field of highway safety and recommend to the Secretary, for prosecution under this title, any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause and prevention of highway accidents; and (2) to review, prior to issuance, standards proposed to be issued by order of the Secretary under the provisions of section 402(a) of this title and to make recommendations thereon. Such recommendations shall be published in connection with the Secretary's determination or order.

(c) The National Highway Safety Advisory Committee shall meet from time to time as the Secretary shall direct, but at least once each year.

(d) The Secretary shall provide to the National Highway Safety Committee from among the personnel and facilities of the Department of Transportation such staff and facilities as are necessary to carry out the functions of such Committee.

(Added Pub. L. 89-564, title I, §101, Sept. 9, 1966, 80 Stat. 733; amended Pub. L. 90-150, Nov. 24, 1967, 81 Stat. 507; Pub. L. 93-87, title II, §223, Aug. 13, 1973, 87 Stat. 292; Pub. L. 94-280, title II, §209, May 5, 1976, 90 Stat. 455; Pub. L. 109-59, title II, §2019, Aug. 10, 2005, 119 Stat. 1543.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (a)(2)(A), is Sept. 9, 1966.

Section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b-2), referred to in subsec. (a)(2)(B), was repealed by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 632. Section 7(b) of Pub. L. 89-554 provided that references to sections of former Title 5, Executive Departments and Government Officers and Employees, are to be deemed to be references to corresponding provisions of Title 5, Government Organization and Employees. Provisions similar to section 73b-2 of former title 5 are now contained in section 5703 of Title 5, Government Organization and Employees.

AMENDMENTS

2005—Subsec. (d). Pub. L. 109-59 substituted "Transportation" for "Commerce".

1976—Subsec. (a)(1). Pub. L. 94-280 substituted provision for selection by the Secretary of the Chairman of the Committee from among the Committee members for prior provision making the Secretary or an officer of the Department appointed by him the Chairman of the Committee.

1973—Subsec. (a)(1). Pub. L. 93-87 added the National Highway Traffic Safety Administrator to the membership of the National Highway Safety Advisory Committee.

1967—Subsec. (a)(1). Pub. L. 90-150, §1(1), substituted "Department of Transportation" for "Department of Commerce", increased number of Committee appointees from twenty-nine to thirty-five, and provided for selection of members from representatives of national organizations of passenger car, bus, and truck owners.

Subsec. (a)(2)(A). Pub. L. 90-150, §1(2), substituted provisions for expirations of term of office of initial appointees one, two, and three years after date of appointment for twelve, twelve, and eleven members, respectively, for former provisions for such expiration one, two, and three years following enactment date of Sept. 9, 1966, for ten, ten, and nine members, respectively, and prohibited reappointment within one year after end of preceding term of member serving a three-year term of office.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 405. Occupant protection incentive grants

(a) GENERAL AUTHORITY.—

(1) AUTHORITY TO MAKE GRANTS.—Subject to the requirements of this section, the Secretary shall make grants under this section to States that adopt and implement effective programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles. Such grants may be used by recipient States only to implement and enforce, as appropriate, such programs.

(2) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for programs described in paragraph (1) at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of the SAFETEA-LU.

(3) MAXIMUM PERIOD OF ELIGIBILITY.—No State may receive grants under this section in more than 8 fiscal years beginning after September 30, 2003.

(4) FEDERAL SHARE.—The Federal share of the cost of implementing and enforcing, as appropriate, in a fiscal year a program adopted by a State pursuant to paragraph (1) shall not exceed—

(A) in each of the first and second fiscal years beginning after September 30, 2003, in which the State receives a grant under this section, 75 percent;

(B) in each of the third and fourth fiscal years beginning after September 30, 2003, in which the State receives a grant under this section, 50 percent; and

(C) in each of the fifth through eighth fiscal years beginning after September 30, 2003, in which the State receives a grant under this section, 25 percent.

(b) GRANT ELIGIBILITY.—A State shall become eligible for a grant under this section by adopting or demonstrating to the satisfaction of the Secretary at least 4 of the following:

(1) SAFETY BELT USE LAW.—The State has in effect a safety belt use law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever an individual (other than a child who is secured in a child restraint system) in the front seat of the vehicle (and, beginning in fiscal year 2001, in any seat in the vehicle) does not have a safety belt properly secured about the individual's body.

(2) PRIMARY SAFETY BELT USE LAW.—The State provides for primary enforcement of the safety belt use law of the State.

(3) MINIMUM FINE OR PENALTY POINTS.—The State imposes a minimum fine or provides for the imposition of penalty points against the driver's license of an individual—

(A) for a violation of the safety belt use law of the State; and

(B) for a violation of the child passenger protection law of the State.

(4) SPECIAL TRAFFIC ENFORCEMENT PROGRAM.—The State has implemented a statewide special traffic enforcement program for occupant protection that emphasizes publicity for the program.

(5) CHILD PASSENGER PROTECTION EDUCATION PROGRAM.—The State has implemented a statewide comprehensive child passenger protection education program that includes education programs about proper seating positions for children in air bag equipped motor vehicles and instruction on how to reduce the improper use of child restraint systems.

(6) CHILD PASSENGER PROTECTION LAW.—The State has in effect a law that requires minors who are riding in a passenger motor vehicle to be properly secured in a child safety seat or other appropriate restraint system.

(c) GRANT AMOUNTS.—The amount of a grant for which a State qualifies under this section for a fiscal year shall equal up to 100 percent of the amount apportioned to the State for fiscal year 2003 under section 402.

[(d) Repealed. Pub. L. 109-59, title II, §2002(e), Aug. 10, 2005, 119 Stat. 1522.]

(e) APPLICABILITY OF CHAPTER 1.—The provisions contained in section 402(d) shall apply to this section.

(f) DEFINITIONS.—In this section, the following definitions apply:

(1) CHILD SAFETY SEAT.—The term “child safety seat” means any device (except safety belts) designed for use in a motor vehicle to restrain, seat, or position a child who weighs 50 pounds or less.

(2) MOTOR VEHICLE.—The term “motor vehicle” means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

(3) MULTIPURPOSE PASSENGER VEHICLE.—The term “multipurpose passenger vehicle” means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed either on a truck chassis or with special features for occasional off-road operation.

(4) PASSENGER CAR.—The term “passenger car” means a motor vehicle with motive power (except a multipurpose passenger vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

(5) PASSENGER MOTOR VEHICLE.—The term “passenger motor vehicle” means a passenger car or a multipurpose passenger motor vehicle.

(6) SAFETY BELT.—The term “safety belt” means—

(A) with respect to open-body passenger vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

(B) with respect to other passenger vehicles, an occupant restraint system consisting of integrated lap and shoulder belts.

(Added Pub. L. 105-178, title II, §2003(a)(1), June 9, 1998, 112 Stat. 325; amended Pub. L. 109-59, title II, §§2002(e), 2004, Aug. 10, 2005, 119 Stat. 1522, 1524; Pub. L. 111-147, title IV, §421(c)(1), Mar. 18, 2010, 124 Stat. 84.)

REFERENCES IN TEXT

The date of enactment of the SAFETEA-LU, referred to in subsec. (a)(2), is the date of enactment of Pub. L. 109-59, which was approved Aug. 10, 2005.

PRIOR PROVISIONS

A prior section 405, added Pub. L. 93-87, title II, §230(a), Aug. 13, 1973, 87 Stat. 293; amended Pub. L. 93-643, §121, Jan. 4, 1975, 88 Stat. 2289, related to the Federal-aid safer roads demonstration program, prior to repeal by Pub. L. 94-280, title I, §135(c), May 5, 1976, 90 Stat. 442.

AMENDMENTS

2010—Subsec. (a)(3). Pub. L. 111-147, §421(c)(1)(A), substituted “8” for “6”.

Subsec. (a)(4)(C). Pub. L. 111-147, §421(c)(1)(B), substituted “fifth through eighth” for “fifth and sixth”.

2005—Subsec. (a)(2). Pub. L. 109-59, §2004(a)(1), substituted “SAFETEA-LU” for “Transportation Equity Act for the 21st Century”.

Subsec. (a)(3). Pub. L. 109-59, §2004(a)(2), substituted “2003” for “1997”.

Subsec. (a)(4). Pub. L. 109-59, §2004(a)(3), inserted “beginning after September 30, 2003,” after “years” in subpars. (A) to (C).

Subsec. (c). Pub. L. 109-59, §2004(c), substituted “100 percent” for “25 percent” and “2003” for “1997”.

Subsec. (d). Pub. L. 109-59, §2002(e), struck out heading and text of subsec. (d). Text read as follows: “Funds authorized to be appropriated to carry out this section in a fiscal year shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.”

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109-59 effective Oct. 1, 2005, see section 2022 of Pub. L. 109-59, set out as a note under section 402 of this title.

CHILD SAFETY AND CHILD BOOSTER SEAT INCENTIVE GRANTS

Pub. L. 109-59, title II, §2011, Aug. 10, 2005, 119 Stat. 1538, as amended by Pub. L. 111-147, title IV, §421(j)(1), Mar. 18, 2010, 124 Stat. 85, provided that:

“(a) GENERAL AUTHORITY.—Subject to the requirements of this section, the Secretary [of Transportation] shall make grants to States that are enforcing a law requiring that any child riding in a passenger motor vehicle in the State who is too large to be secured in a child safety seat be secured in a child restraint that meets the requirements prescribed by the Secretary under section 3 of Anton’s Law [Pub. L. 107–318] (49 U.S.C. 30127 note; 116 Stat. 2772).

“(b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in a fiscal year unless the State enters into such agreements with the Secretary [of Transportation] as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for child safety seat and child restraint programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of this Act [Aug. 10, 2005].

“(c) FEDERAL SHARE.—The Federal share of the costs of activities funded using amounts from grants under this section shall not exceed—

“(1) for the first 3 fiscal years for which a State receives a grant under this section, 75 percent; and

“(2) for the fourth, fifth, and sixth fiscal years for which a State receives a grant under this section, 50 percent.

“(d) USE OF GRANT AMOUNTS.—

“(1) ALLOCATIONS.—Of the amounts received by a State in grants under this section for a fiscal year not more than 50 percent shall be used to fund programs for purchasing and distributing child safety seats and child restraints to low-income families.

“(2) REMAINING AMOUNTS.—Amounts received by a State in grants under this section, other than amounts subject to paragraph (1), shall be used to carry out child safety seat and child restraint programs, including the following:

“(A) A program to support enforcement of child restraint laws.

“(B) A program to train child passenger safety professionals, police officers, fire and emergency medical personnel, educators, and parents concerning all aspects of the use of child safety seats and child restraints.

“(C) A program to educate the public concerning the proper use and installation of child safety seats and child restraints.

“(e) GRANT AMOUNT.—The amount of a grant to a State for a fiscal year under this section may not exceed 25 percent of the amount apportioned to the State for fiscal year 2003 under section 402 of title 23, United States Code.

“(f) APPLICABILITY OF CHAPTER 1.—The provisions contained in section 402(d) of such title shall apply to this section.

“(g) REPORT.—A State that receives a grant under this section shall transmit to the Secretary [of Transportation] a report documenting the manner in which the grant amounts were obligated and expended and identifying the specific programs carried out using the grant funds. The report shall be in a form prescribed by the Secretary and may be combined with other State grant reporting requirements under of [sic] chapter 4 of title 23, United States Code.

“(h) DEFINITIONS.—In this section, the following definitions apply:

“(1) CHILD RESTRAINT.—The term ‘child restraint’ means any product designed to provide restraint to a child (including booster seats and other products used with a lap and shoulder belt assembly) that meets applicable Federal motor vehicle safety standards prescribed by the National Highway Traffic Safety Administration.

“(2) CHILD SAFETY SEAT.—The term ‘child safety seat’ has the meaning such term has in section 405(f) of title 23, United States Code.

“(3) PASSENGER MOTOR VEHICLE.—The term ‘passenger motor vehicle’ has the meaning such term has in section 405(f) of such title.

“(4) STATE.—The term ‘State’ has the meaning such term has in section 101(a) of such title.”

CHILD PASSENGER PROTECTION EDUCATION GRANTS

Pub. L. 105–178, title II, § 2003(b), June 9, 1998, 112 Stat. 327, provided that:

“(1) IN GENERAL.—The Secretary may make a grant to a State that submits an application, in such form and manner as the Secretary may prescribe, that is approved by the Secretary to carry out the activities specified in paragraph (2) through—

“(A) the child passenger protection program of the State; and

“(B) at the option of the State, a grant program established by the State to carry out 1 or more of the activities specified in paragraph (2) by a political subdivision of the State or an appropriate private entity.

“(2) USE OF FUNDS.—Funds provided to a State as a grant under this subsection shall be used to implement child passenger protection programs that—

“(A) are designed to prevent deaths and injuries to children;

“(B) educate the public concerning—

“(i) all aspects of the proper installation of child restraints using standard seatbelt hardware, supplemental hardware, and modification devices (if needed), including special installation techniques;

“(ii) appropriate child restraint design, selection, and placement; and

“(iii) harness threading and harness adjustment on child restraints; and

“(C) train and retrain child passenger safety professionals, police officers, fire and emergency medical personnel, and other educators concerning all aspects of child restraint use.

“(3) GRANT AWARDS.—The Secretary may make a grant under this subsection without regard to whether a State is eligible to receive, or has received, a grant under section 405 of title 23, United States Code (as inserted by subsection (a) of this section).

“(4) FEDERAL SHARE.—The Federal share of the cost of a program carried out using funds made available from a grant under this subsection may not exceed 80 percent.

“(5) REPORT.—Each State that receives a grant under this subsection shall transmit to the Secretary a report for the period covered by the grant that, at a minimum, describes the program activities carried out with the funds made available under the grant.

“(6) REPORT TO CONGRESS.—Not later than June 1, 2002, the Secretary shall transmit to Congress a report on the implementation of this subsection that includes a description of the programs carried out and materials developed and distributed by the States that receive grants under this subsection.

“(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$7,500,000 for each of fiscal years 2000 and 2001.”

§ 406. Safety belt performance grants

(a) IN GENERAL.—The Secretary shall make grants to States in accordance with the provisions of this section to encourage the enactment and enforcement of laws requiring the use of safety belts in passenger motor vehicles.

(b) GRANTS FOR ENACTING PRIMARY SAFETY BELT USE LAWS.—

(1) IN GENERAL.—The Secretary shall make a single grant to each State that either—

(A) enacts for the first time after December 31, 2002, and has in effect and is enforcing a conforming primary safety belt use law for all passenger motor vehicles; or

(B) in the case of a State that does not have such a primary safety belt use law, has after December 31, 2005, a State safety belt use rate of 85 percent or more for each of the